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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,333	03/06/2002	Paz Einat	EINAT1.1D	1554

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EXAMINER	
WHITEMAN, BRIAN A	

ART UNIT	PAPER NUMBER
1635	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/091,333	EINAT ET AL.	
	Examiner	Art Unit	
	Brian Whiteman	1635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *17,20,21 and 40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17,20,21,40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In view of the new grounds of rejection set forth in the instant office action, the finality of the rejection of the last Office action is withdrawn.

Priority

Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) and 120 as follows:

The later-filed application must be an application for a patent for an invention, which is also disclosed, in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Provisional Application No. 60/056,453, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. Absence evidence to the contrary, SEQ ID NO: 2 and SEQ ID NO: 10 of the instant application are not disclosed in application '453. In addition there is no disclosure of RNA molecules that target mRNA encoding a polypeptide having an amino acid sequence of SEQ ID NO: 10 could be located in the abovementioned provisional application.

The disclosure of the prior-filed applications, US Application No. 09/138,112 and 09/604,978, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. No disclosure of RNA molecules that target and is entirely homologous to mRNA consisting of RNA encoding a polypeptide having an amino acid sequence of SEQ ID NO: 10, wherein the targeting results in mRNA degradation or disclosure for new claim 40 could be located in the above mentioned US applications.

The amendment filed on 3/17/04 provided new claims including new claims 17 and 20-21. Applicant cited pages 23, line 23, page 24, line 11 and page 26, line 11 for support of the new claims. Page 23, lines 23 is directed to a generic teaching of antisense and does not disclose support for an RNA molecule which targets mRNA encoding a polypeptide having the amino acid sequence of SEQ ID NO: 10. Page 24, line 11 is directed to a journal articles teaching properties of antisense and does not disclose support for the new claims. Page 26, line 11 is directed to using ribozymes instead of antisense, but there is no support for the claims filed on 3/17/04.

The amendment filed on 9/8/06 does not have written support in the specification as filed. See 112 first paragraph new matter rejection.

It is noted in applicant's argument that SEQ ID NO: 2 encodes SEQ ID NO: 10. However, a nucleic acid encoding SEQ ID NO: 10 is broader than just SEQ ID NO: 2 because of the degeneracy of the amino acid sequence.

Therefore, the effective filing date of (limitation reading on SEQ ID NO: 2) is 8/21/98 and the limitation 'a nucleic encoding SEQ ID NO: 10'in instant claims 17, 20, 21, and 40 is considered to be the filing date of the amendment filed on 9/8/06.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

> The oath or declaration is defective because: the amendment filed on 3/17/04 introduced claims with, absence evidence to the contrary, no support under 112 first paragraph and the amendment was not filed on the filing date of the instant application (3/6/02).

Claim Rejections - 35 USC § 101 and 35 USC § 112

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 17, 20, 21, and 40 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by a substantial or well-established utility.

The applicant teaches novel human RTP779 DNA (SEQ ID NO: 2) and amino acid sequence (SEQ ID NO: 10). Human RTP779 is the human homolog to SEQ ID NO: 1 (RTP801)

and SEQ ID NO: 9. However, the definition of the term "homology" is not clear to one of skill in the art (see Fitch, TIG 16:227-231, 2000).

Applicant teaches that:

> Neither of these genes has been reported in gene databases and both are expressed under hypoxic stress and are up-regulated in both of the in situ analyses. The expression of this gene was observed in the ovary where active apoptosis was occurring. Its regulation is HIF-1 dependent (Carmeliet et al, 1998) indicating further that the gene is associated with hypoxia-induced apoptosis. Some homology was found between the 3'UTR of RTP801 and the 5'UTR of a transcription factor (rat) pet-1 (Carmeliet et al, 1998; Spence et al, 1998; Fyodorov et al, 1998). Page 55, paragraph 0125.

The working examples in the specification are directed to SEQ ID NO: 1 (RTP801). Other than in situ analyses of RTP779 there are no working examples studying SEQ ID NO: 2. The applicant contemplates using antisense to SEQ ID NO: 2 (RTP779) for regulating angiogenesis or apoptosis or for regulating response to hypoxic conditions in a patient in need of such treatment (paragraph 0052).

The claims are drawn to an isolated nucleic acid molecule that is entirely homologous to a nucleic acid encoding SEQ ID NO: 10 or a nucleotide sequence having at least seven nucleotides complementary to a nucleic acid encoding SEQ ID NO: 10. At the time the invention was made, it was unknown that a nucleic acid sequence encoding SEQ ID NO: 10 was associated with a role in regulating angiogenesis or apoptosis. The instant specification does not teach what activity is related with expression of RTP779. The instant specification provides no

nexus between the 'association' of the claimed nucleic acid molecule with regulating angiogenesis or apoptosis.

With respect to using the claimed polynucleotides or products made directly or indirectly from the nucleic acid molecule comprising observing an increase or a decrease of RTP779-associated gene products, the instant specification does not teach what to look for as a result of an increase or a decrease in expression of SEQ ID NO: 10 encoded by a DNA sequence or a polynucleotide comprising SEQ ID NO: 2. One skilled in the art would have to further experiment on the invention to determine what results are observed with either an increase or a decrease in expression of SEQ ID NO: 10 in a genus of cells, including ovary cells. In absence of the instant specification teaching what to look for in the assays, the claimed invention lacks utility.

In addition, with respect to using the claimed nucleic acid molecule or products made directly or indirectly from the sequences, the instant specification provides no evidence that SEQ ID NO: 2 or a nucleic acid encoding SEQ ID NO: 10 is involved in angiogenesis or apoptosis. The specification provides no evidence that the claimed DNA sequences are associated with any specific disease (e.g., cancer, hypoxic conditions, ischemia-related diseases (such as stroke)). It would require further experimentation on the claimed invention/or products made directly or indirectly from the DNA sequences to determine whether they were involved in hypoxic conditions or other disease(s). Thus, the asserted utilities set forth above do not provide a benefit to the public in currently available form. See Ziegler, 992 F.2d at 1203, 26 USPQ2d 1600 (Fed. Cir. 1993).

At page 56 of the specification, the applicant teaches that RTP801 appears to be a p53-independent, HIF-1 responsive gene. The applicant asserts that this clarifies the independence of p53 for RTP801/RTP779 gene orthologs. The office conducted a sequence search of the polynucleotide sequence set forth in SEQ ID NO: 2 or nucleic acid encoding SEQ ID NO: 10 against nucleotide public databases. SEQ ID NO: 2 (RTP779) has 49.8% identity to SEQ ID NO: 1 (RTP801). The results from the polynucleotide sequence databases search did not display any sequence similarity with any known gene associated with angiogenesis or apoptosis. The instant specification does not disclose what regions/domains of SEQ ID NO: 1 are similar with SEQ ID NO: 2. The skilled artisan understands that even one nucleotide change in a polynucleotide sequence or one amino acid change in a polypeptide sequence can change the function of the protein. See Lucentini, The Scientist, 18:20, 2004. Thus, the skilled artisan would not be able to reasonably extrapolate from the teaching in the specification to the activity of the nucleic acid encoding a human RTP779 protein.

Since the claimed invention is not supported by either a substantial asserted utility or a well established utility for the reasons set forth above, one skilled in the art would not know how to use the claimed invention. See also In re Kirk, 376 F.2d 936, 153 USPQ 48 (CCPA 1967) and In Brenner v. Manson, 383 US 519, 148 USPQ 689 (1966). Also see REVISED INTERIM UTILITY GUIDELINES TRAINING MATERIALS: www.uspto.gov/web/menu/utility.pdf.

Claims 17, 20, 21, and 40 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a well asserted utility or a

well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 17, 20, 21, and 40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

New Matter rejection:

The limitation 'An RNA molecule which targets and is entirely homologous to mRNA consisting of RNA encoding a polypeptide having the amino acid sequence of SEQ ID NO: 10' in amended claim 17 and claims dependent therefrom and the limitation 'An RNA molecule consisting of a sequence that is the complement of at least seven nucleotides of target mRNA encoding a polypeptide consisting of the amino acid sequence of SEQ ID NO: 10, wherein said RNA molecule targets said target mRNA, resulting in prevention of processing, splicing, transport, or translation of the mRNA or in mRNA degradation' in new claim 40 and claims dependent therefrom is not supported by the instant specification. There appears to be no written description of the limitation in the application as filed. See MPEP § 2163.06. Applicant cites

paragraph 0056 for amended claim 17 and paragraphs 0036 and 0058 for the limitation in claim 40. Paragraph 0036 discloses:

> The proteins may be produced recombinantly (see generally Marshak et al, 1996) and analogues may be due to post-translational processing. The term "analogue" as used herein is defined as a nucleic acid sequence or protein which has some differences in its amino acid/nucleotide sequences as compared to the native sequence of SEQ ID NOs:1-8 Ordinarily, the analogue will be generally at least 70% homologous over any portion that is functionally relevant. In more preferred embodiments the homology will be at least 80% and can approach 95% homology to the protein/nucleotide sequence.

Paragraph 0036 does not disclose SEQ ID NO: 10 or an RNA molecule that targets and is entirely homologous to mRNA consisting of RNA encoding a polypeptide having the amino acid sequence of SEQ ID NO: 10. The paragraph is directed to a protein or DNA encoding proteins. While it is acknowledged that the paragraph is directed to analogues of SEQ ID NOs: 1-8 (amino acid and DNA sequences) including 95% homology to the protein/nucleotide sequences. The paragraph is not directed to RNA molecules that would inhibit mRNA function and target an RNA encoding a polypeptide set forth in SEQ ID NO: 10. It appears that the paragraph is directed to functional proteins or DNA encoding a functional protein and not directed to RNA molecules with the desired biological activity (e.g., inhibiting gene expression). The skilled artisan understands that an antisense oligonucleotide does not encode a protein and an antisense oligonucleotide would have not an activity of the protein or DNA when expressed in cells. Paragraph 0056 recites:

> Many reviews have covered the main aspects of antisense (AS) technology and its enormous therapeutic potential (Wright and Anazodo, 1995). There are reviews on the chemical (Crooke, 1995; Uhlmann et al, 1990), cellular (Wagner, 1994) and therapeutic (Hanania, et al, 1995; Scanlon et al, 1995; Gewirtz, 1993) aspects of this rapidly developing technology. Isolation of inhibitory antisense RNA is disclosed in Holzmayer (1992). Within a relatively short time, ample information has accumulated about the in vitro use of AS nucleotide sequences in cultured primary cells and cell lines as well as for in vivo administration of such nucleotide sequences for suppressing specific processes and changing body functions in a transient manner. Further, enough experience is now available in vitro and in vivo in animal models and human clinical trials to predict human efficacy.

Paragraph 0056 generically discloses antisense technology and does not disclose an RNA molecule that targets and is entirely homologous to mRNA consisting of RNA encoding a polypeptide having the amino acid sequence of SEQ ID NO: 10.

Paragraph 0058 recites:

> The sequence target segment for the antisense oligonucleotide is selected such that the sequence exhibits suitable energy-related characteristics important for oligonucleotide duplex formation with their complementary templates, and shows a low potential for self-dimerization or self-complementation (Anazodo et al, 1996). For example, the computer program OLIGO (Primer Analysis Software, Version 3.4), can be used to determine antisense sequence melting temperature, free energy properties, and to estimate potential self-dimer formation and self-complementary properties. The program allows the

> determination of a qualitative estimation of these two parameters (potential self-dimer formation and self-complementary) and provides an indication of "no potential" or "some potential" or "essentially complete potential". Using this program target segments are generally selected that have estimates of no potential in these parameters. However, segments can be used that have "some potential" in one of the categories. A balance of the parameters is used in the selection as is known in the art. Further, the oligonucleotides are also selected as needed so that analogue substitution does not substantially affect function.

Paragraph 0058 generically discloses antisense technology and does not disclose an RNA molecule that targets and is entirely homologous to mRNA consisting of RNA encoding a polypeptide having the amino acid sequence of SEQ ID NO: 10.

The specification provides support for antisense that is entirely homologous to SEQ ID NO: 2. However, the limitations in the amended and new claims are broader than the disclosure in the specification and are not disclosed in the paragraphs cited by the applicant. Therefore, there is nothing in the specification that supports the new limitation as set forth in the instant claims.

"It is not sufficient for purposes of the written description requirement of Section 112 that the disclosure, when combined with the knowledge in the art, would lead one to speculate as to modifications that the inventor might have envisioned, but failed to disclose." *Lockwood v. American Airlines Inc.*, 41 USPQ2d 1961, 1966 (CAFC 1997).

Applicant's arguments filed 5/14/07 have been fully considered but they are not persuasive.

In response to applicant's argument that the specification provides support for antisense to a nucleic acid encoding SEQ ID NO: 10, the argument is not found persuasive because the limitation is broader than the disclosure cited in the specification. The specification only provides support for a nucleic acid that is entirely homologous to SEQ ID NO: 2 not nucleic acid encoding SEQ ID NO: 10. A nucleic acid that has homology to a nucleic acid encoding SEQ ID NO: 10 reads on variants that are not disclosed in the specification. See *Lockwood v. American Airlines Inc.*, 41 USPQ2d 1961, 1966 (CAFC 1997).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by (JP 06303997, see English translation). Takagi et al. teaches amplification of mRNA (21 nucleotides that is complementary to nucleotides 1761-1781 of SEQ ID NO: 2) (page 6 of the Japanese document).

With respect to the limitation "wherein said RNA molecule targets said target mRNA, resulting in prevention of processing, splicing, transport or translation of the mRNA or in mRNA degradation" in claims 20 and 40.

A REFERENCE TEACHING PRODUCT APPEARING TO BE SUBSTANTIALLY IDENTICAL IS MADE THE BASIS OF A REJECTION, AND THE EXAMINER PRESENTS EVIDENCE OR REASONING TENDING TO SHOW INHERENCY, THE BURDEN SHIFTS TO THE APPLICANT TO SHOW AN UNOBVIOUS DIFFERENCE

"[T]he PTO can require an applicant to prove that the prior art products do not necessarily or inherently possess the characteristics of his [or her] claimed product. Whether the rejection is based on inherency' under 35 U.S.C. 102, on prima facie obviousness' under 35 U.S.C. 103, jointly or alternatively, the burden of proof is the same...[footnote omitted]." The burden of proof is similar to that required with respect to product-by-process claims. *In re Fitzgerald,* 619 F.2d 67, 70, 205 USPQ 594, 596 (CCPA 1980) (quoting *In re Best,* 562 F.2d 1252, 1255, 195 USPQ 430, 433-34 (CCPA 1977)).

MPEP 2112.01:

PRODUCT AND APPARATUS CLAIMS □ WHEN THE STRUCTURE RECITED IN THE REFERENCE IS SUBSTANTIALLY IDENTICAL TO THAT OF THE CLAIMS, CLAIMED PROPERTIES OR FUNCTIONS ARE PRESUMED TO BE INHERENT

Where the claimed and prior art products are identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a prima facie case of either anticipation or obviousness has been established. In re Best, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977). When the PTO shows a sound basis for believing that the products of the applicant and the prior art are the same, the applicant has the burden of showing that they are not. *In re Spada*, 911 F.2d 705, 709, 15 USPQ2d 1655, 1658 (Fed. Cir. 1990). Therefore, the prima facie case can be rebutted by evidence showing that the prior art products do not necessarily possess the characteristics of the claimed product. *In re Best*, 562 F.2d at 1255, 195 USPQ at 433.

The following reference is considered a 102(b) reference, in view of instant claims only enjoying priority to the amendment filed on 9/8/06

Claims 20 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Fodor et al. (US 20010053519). Fodor teaches an array comprising all possible 10mers, wherein the 10mers could be either RNA or DNA (Example 2, beginning on page 12 and pages 14-15). Thus, a 10mer from the array would read on an RNA molecule consisting of a sequence that is the complement of at least several nucleotides of a nucleotide sequence encoding a polypeptide consisting of SEQ ID NO: 10.

With respect to the limitation "wherein said RNA molecule targets said target mRNA, resulting in prevention of processing, splicing, transport or translation of the mRNA or in mRNA degradation" in claims 20 and 40.

A REFERENCE TEACHING PRODUCT APPEARING TO BE SUBSTANTIALLY IDENTICAL IS MADE THE BASIS OF A REJECTION, AND THE EXAMINER PRESENTS EVIDENCE OR REASONING

TENDING TO SHOW INHERENCY, THE BURDEN SHIFTS TO THE APPLICANT TO SHOW AN UNOBVIOUS DIFFERENCE

"|T|he PTO can require an applicant to prove that the prior art products do not necessarily or inherently possess the characteristics of his |or her| claimed product. Whether the rejection is based on inherency' under 35 U.S.C. 102, on prima facie obviousness' under 35 U.S.C. 103, jointly or alternatively, the burden of proof is the same...|footnote omitted|." The burden of proof is similar to that required with respect to product-by-process claims. *In re Fitzgerald,* 619 F.2d 67, 70, 205 USPQ 594, 596 (CCPA 1980) (quoting *In re Best,* 562 F.2d 1252, 1255, 195 USPQ 430, 433-34 (CCPA 1977)).

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PRODUCT AND APPARATUS CLAIMS □ WHEN THE STRUCTURE RECITED IN THE REFERENCE IS SUBSTANTIALLY IDENTICAL TO THAT OF THE CLAIMS, CLAIMED PROPERTIES OR FUNCTIONS ARE PRESUMED TO BE INHERENT

Where the claimed and prior art products are identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a prima facie case of either anticipation or obviousness has been established. In re Best, 562 F.2d 1252, 1255, 195 USPQ 430, 433 (CCPA 1977). When the PTO shows a sound basis for believing that the products of the applicant and the prior art are the same, the applicant has the burden of showing that they are not. *In re Spada*, 911 F.2d 705, 709, 15 USPQ2d 1655, 1658 (Fed. Cir. 1990). Therefore, the prima facie case can be rebutted by evidence showing that the prior art products do not necessarily possess the characteristics of the claimed product. *In re Best*, 562 F.2d at 1255, 195 USPQ at 433.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Whiteman whose telephone number is (571) 272-0764. The examiner can normally be reached on Monday through Friday from 6:30 to 4:00 (Eastern Standard Time), with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Douglas Schultz, SPE – Art Unit 1635, can be reached at (571) 272-0763.

Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Fax Center number is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

/Brian Whiteman/
Primary Examiner, Art Unit 1635